

Chairman Dwayne Cook called the meeting to order. Recording Secretary Dianna Rogers called the roll.

Members Present:	Annie Metcalf	
	Charles Booe	
	David Garnett	
	Patti Cross	
	Charles Stewart	
	Keith Lee	
	Dwayne Cook	(7)

Members Absent:	Joel Schrader	
	Darrell Sanderson	
	Sherron Jackson	(4)

There being a quorum, the meeting proceeded.

A motion was made by Mr. Booe to approve the minutes of the meeting of February 8, 2007. The motion was seconded by Ms. Cross and carried unanimously.

A motion was made by Mr. Garnett to approve the following bills for payment:

Dianna Rogers – PC February Secretarial	\$ 300.00
Edwin Logan – PC February	700.00
Edwin Logan – BZA February	550.00
State Journal – Advertising	73.63

The motion was seconded by Mr. Lee and carried unanimously.

Under Reports of Officers, Chairman Cook stated he had appointed Charles Booe to take his place as Architectural Review Board representative.

There were no Reports of Standing Committees.

Under Reports of Special Select Committees, Mr. Garnett stated the Comprehensive Plan Update Committee on Goals & Policies were reviewed by the City and County and there were several minor changes made and a major change. He added copies would be mailed out soon for review.

There were no Special Orders.

Under Staff Items, Mr. Robert Hewitt, County Planning Director, stated item 1 of new business had been removed by the applicant (Jack Kain – zone map amendment from AG to RR for property at the end of Harmony Lane).

Also under Staff Items, Mr. Gary Muller, City Planning Director, stated there were some training opportunities to be held in May, June, July, August and September. He stated Commission members need eight hours every two years. Mr. Garnett asked if Mr. Muller would check the training hours for Commission members.

Mr. Muller stated the Comprehensive Plan Update Communities Facilities Committee would meet on March 19, 2007 at 6:00 PM at Kentucky State University.

Mr. Muller stated the next scheduled PC meeting was April 12. He added Mr. Logan would not be able to attend that meeting. The meeting was rescheduled to April 26 by general consensus of Planning Commission members.

The first item of old business was a request from Cellco Partnership d/b/a Verizon Wireless, for approval to construct a new wireless communications facility on a site located at 375 Green Wilson Road, Frankfort, KY 40601 (38° 6' 29.14" North latitude, 84° 55' 11.63" West longitude). The proposed facility will include a 300 foot tower, with a 7 foot lightning arrestor attached at the top (total structure height of 307 feet), plus related ground facilities. The applicant is also requesting a waiver/modification to Article 6, Section 6.305 subsections D and P of the Franklin County Zoning Ordinance to allow an increase in the tower height and a reduction in the required setbacks for the telecommunications facility. The property is zoned RR – Rural Residential.

Chairman Cook stated he was owner of a cell company but this does not affect him in anyway.

Mr. Garnett was concerned that 6.3 had been superseded by HB 270. Mr. Logan stated it had been condensed in 100.1986.

Mr. David Pike, Attorney, 1578 Highway 44, Shephardsville, KY, was present on behalf of the applicant. Mr. Pike stated the following were also present: Robert Grant, Attorney; Corey Kilstrom, Radio Engineer; Marshall Boyd, Structural Engineer; Jana Lukey, Real Estate Manager; Tommy Pike, Real Estate Specialist; Martin Brown, Appraiser; Bill Grigsby; Zelma Perkins, Owner; Lee Brewer, Easement Neighbor.

Mr. Pike stated staff did not recommend approval of the setback issue. Mr. Pike stated if you move the tower to meet the setbacks you will lose some elevation because the property slopes in that direction and the tower would have to be taller. He added it would require cutting down an orchard if they move the tower to meet the setbacks. Mr. Pike stated if the request was not granted they would move the tower to meet the setbacks at a location on an exhibit tindered. Mr. Pike stated they have an access easement from a neighbor. He stated there would be a lattice tower 300 feet high with a 7 foot tall lighting arrestor for a total of 307 feet.

Mr. Pike stated they had radio frequency information in their packets and stated this is for an area of nill or no service for Verizon and they are trying to provide comprehensive coverage and the tower has to be in the center of the proposed area. Mr. Pike stated this site would handle 9000 calls a day almost immediately with some calls being 911 calls.

Mr. Pike stated this request was scheduled last month and they found out they had opposition and wanted to meet with these people informally. Mr. Pike stated some of the issues from the meeting were:

Colocation possibilities and were they considered: Mr. Pike stated none should be done if it can be colocated. He stated they never consider building a new tower if they can co-locate. He stated that was not possible in this instance.

Possible alternate locations: He stated they were not required to pick the best site; they just need to meet the zoning and other laws. Mr. Pike stated if they could find a willing land owner and sign a lease for a site that would technically work for them and no objections they would have done that prior to this meeting.

Will it adversely affect property value: Mr. Pike stated Marty Brown, Appraiser, did a report and stated there were studies that stated uniformly towers do not impact property values.

Safety concerns and structural risk: Mr. Pike stated Marshall Boyd had a report that the tower would be built to exceed and meet state regulations. He stated the Kentucky Building Code did not include wind resistant matters. Mr. Pike stated the nearest residential structure is 450 feet away and that is the land owner.

Mr. Pike stated the variance is needed as the maximum height is 200 feet; however the regulations permit modifications. He stated the waiver is needed due to topographical conditions and not created by the applicant. He added the waiver would not affect safety and welfare.

It was noted that Mr. Pike's testimony and reports from Martin Brown, Bill Grigsby and Corey Kingstrom and their filings were requested to be part of the record. Mr. Pike indicated that the fencing area was qualified by staff as an addition and therefore needed to meet the setback.

Mr. Garnett asked why a 200 foot tall tower would not work. Mr. Kingstrom stated the 300 foot tower would give the ability to hand off from the southern area to the St. Mary site at I-64. Mr. Kingsley stated a 200 foot tower would give have the coverage and a 200 foot tower would not hand off effectively to the other towers. He added they need to have less than 1% of lost calls. Mr. Pike stated staff backed up that the possible 200 foot locations were not suitable. Mr. Booe asked if ponds and standing water affect site selection. Mr. Pike stated that is something they want to avoid.

Mr. Holly Pieratt, 4065 Bain, Lawrenceburg, KY., stated he owns property adjacent to the tower property. He stated the farm below has been approved for a subdivision and the Hope Church. She stated there is a tower in Anderson County. He added there are 60 houses around the tower and it is bad visually. He stated they are pushing to the north and a lot of area will be left out of the service area. Mr. Pieratt stated he knew the Holt Family was willing to talk to Mr. Pike.

Mr. Lee left the meeting at this point.

Mr. Pieratt asked if it was feasible to attach the tower to the Farmdale Water District on Stewart land. Mr. Kingstrom stated it would be below 300 feet and limit their licensing direction.

Jane Julian, 1915 Louisville Road, asked if the amended map turned in by the applicant was part of the staff report. Mr. Logan stated no that it was one of Mr. Pike's exhibits.

Mr. Jessie Lee, 305 Green Wilson Road, stated he went to the FCC website and said their application calls for 99.1 meters above ground. He asked if they would be coming back for an additional 25 feet. Mr. Kingstrom stated that was the worst case scenario and the plans get refined from 25 feet to a 7 foot lightning rod. Mr. Pike stated they would seek no height increase without Planning Commission approval.

Mr. Dave VanMeter, 83 Iron Drive, asked where Alton #1 was on the schematic. Mr. Pike stated there was no Alton 1 Tower.

Mr. Jim Rackter, 109 Brian Mark Cove, stated 911 calls are increasing because of cell phone calls in cars. Mr. Pike stated that was irrelevant to the zoning case.

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Ethel Lee, 305 Green Wilson Rod, presented a petition from Farmdale residents that they did not want this tower at 375 Green Wilson Road. She added there are houses within 500 feet of the site and there is already a tower there that has decreased their quality of life. Ms. Lee stated two towers will decrease growth. Mr. Garnett asked how it had affected their quality of life. Ms. Lee stated when you sit in the back yard you see this structure not the birds or stars. It is a visual impact.

Mr. Clifton Bratcher, 133 Iron Drive, asked how the Commission would feel if it was in your back yard. He added it puts out rays for cancer. Mr. Garnett stated they could not consider that.

Mr. VanMeter stated there are other locations and stated maybe two or three smaller towers rather than one could be used. He added rock at that location is 4' deep. He asked about hydropressure. He added the water table almost lays on top

of the water and that the west side of Iron Drive backyards never dry out. He added if they use dynamite they are going to fracture pools, basements, floors and walls. He requested they not be allowed to blast but if they did they needed a one million dollar escrow account to blast so damage can be taken care of.

Mary Pieratt stated their farm is less than 500 feet from the cell tower. She stated it has taken them twenty years to pay for their farm and it has been subdivided but not sold yet. She stated she could not imagine anyone wanting to buy land next to a cell tower.

Mr. Jim Rickter, 109 Brian Mark Cove stated the tower will be in the line of site when he looks out his back door. He stated it would detract from the rural charm and quiet area. He stated it is a 200 foot fall zone of danger. He stated he felt the tower was unsafe and would devalue his property. He stated the height should be contained on someone else's property and not his.

Mr. Jesse Lee stated he would be looking at two towers instead of one. He added he can still have 911. He requested they move to the other side of the orchard and put plank fence around the bottom and have 25 tree plantings. He added there are 54 towers in Franklin County and one proposed on Mills Lane. He added KSU would probably work with them for co-exist.

Holly Pieratt stated the Holt property owners might be interested and their property is within the radius. Mr. Pieratt stated there are alternate sites. He added this site will affect about 200 people and the other site might affect 4 or 5 people.

Mr. Robert Hewitt, County Planning Director, was present and stated his responsibility is to see if the site meets the requirements for height and setbacks. Mr. Hewitt stated the staff report supported the height change based on topographical conditions. He stated he recommended denial on the setback request. Mr. Hewitt stated he reviewed the amended schematic and it would fall within the acceptable area. He added these are waiver and modification requests. Mr. Garnett asked if this would be the tallest tower in the county. Mr. Hewitt stated he did not know. Mr. Garnett asked if they could require escrow. Mr. Hewitt stated yes. Mr. Logan stated it is a surety in the regulations to insure it would be taken down if it is abandoned. Mr. Garnett asked why there was a 200 feet height limitation. Mr. Hewitt stated he did not know. Mr. Hewitt stated the tower building is within the Comprehensive Plan.

Mr. Garnett stated 6.305 (d) has some language that doesn't make sense and wondered if there was a typographical error. Mr. Hewitt stated he did not know. Ms. Metcalf asked if the foundation construction report had been reviewed. Mr. Hewitt stated it is stamped by an engineer and with that assurance he accepted that. Mr. Garnett asked how long it would take to see if 6.305 (d) was an error. Mr. Hewitt stated he hoped within one day it could be reviewed by what the clerk had on file. Mr. Garnett stated he wanted to resolve this issue first and asked if the applicant would waive the sixty day limitation.

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Mr. Muller looked at the City's ordinance and it mirrors the County's. The applicant stated they would waive the sixty days as long as testimony was closed.

Mr. Garnett stated the confusion dealt with a section that stated they could allow a greater height than 200 feet if it meets criteria F and criteria F dealt with illumination and did not make sense. Mr. Garnett wanted Mr. Hewitt to check the original ordinance to check the criteria.

A motion was made by Mr. Garnett that the taking of testimony be postponed until the next meeting and Mr. Hewitt check the ordinance and the item be brought back April 26, with the applicant waiving the 60 day limitation. The motion was seconded by Ms. Cross. Those voting in favor: Annie Metcalf, David Garnett, Patti Cross, Charles Stewart. Those voting against the motion: Charles Booe and Dwayne Cook. The motion carried by a vote of 4-2.

Mr. Pike rebutted issues as follows: He stated statute requires a waiver be in writing by the applicant and he will do so until 4/26/07 conditioned on the public hearing be closed tonight. Mr. Pike stated the website print out is a highly generalized macro map. He stated the geotechnical report indicates all foundation work will be by drilling and no blasting is required. He stated he objected to "fall zone". He added Mr. Grigsby's report indicates there is no fall zone as the tower bends at the top to reduce stress. Mr. Pike stated they will adhere to any landscaping requirements in the staff report. Mr. Pike stated they will put up a wood fence. He stated they were going to use chain link as wood becomes graffiti and people can hide in there. Mr. Pike stated all comments are dealing with aesthetics and you can put that on any other property. He stated you will exchange one roomful of people for another.

A motion was made by Mr. Garnett to close the public hearing with the waiver in writing. The motion was seconded by Ms. Metcalf and carried unanimously.

The next item of old business was a request, in accordance with the County's Subdivision and Development Plan Regulations, from Mr. Charlie Jones, on behalf of M&W, LLC, is requesting approval of a Preliminary Subdivision Plat for the development referenced as Parkside Development. The subject property is located at the southwest corner of the intersection of I-64 and Versailles Road and has the PVA map # of 086-00-00-021.00. Specifically, the Preliminary Subdivision Plat is proposed to subdivide the parent parcel of 90.35 acres into 117 single family residential lots (29.67 acres) and 14 commercial tracts (60.68 acres). The property is zoned RD (Two Dwelling District) and CH (Highway Commercial).

Mr. Charlie Jones, Attorney, was present on behalf of the applicant. Mr. Jones stated the owners of the property and Quest Engineering were present. Mr. Jones stated the staff report recommends approval with conditions. Mr. Jones submitted a handout with requested changes. Mr. Jones stated the traffic study recommends approval. He added they think it is a conservative study. Mr. Jones stated all review agency comments have been met. Mr. Messer stated they are putting sidewalks in the commercial area. Mr. Garnett asked how this will differ from Poplar Creek. Mr. Jones stated there are some differences. He stated they are providing two up front entrances.

Mr. Bill Ayer, Attorney, was present on behalf of Lydia Johnson, Martha Powers and Frances Canty. He stated they have talked since the staff report and reached an agreement. He stated the developer will install a 30' access easement directly to the Powers and Johnson Property. Mr. Jones stated that was correct. Mr. Ayer added the Old Versailles Road is abandoned and the County will surplus it and convey it back to the owners. Mr. Jones stated that was correct. Mr. Ayer stated once development begins, the roadway between L&N the 30 foot easement will be deeded back to Powers and Johnson.

Mr. Ayer stated regarding the Canty property to develop on Allen Way at full build out is not sufficient at 90. Mr. Jones stated it would be level service d or e and there is some capacity left.

Dr. Robert Madsen Twit, Two Creeks, stated Slickaway flooding has increased and contains pollution. He stated it is a danger to the public health and he has concerns for those downstream. He stated the project needs to be halted until protection is in place.

Bob Amato, 304 Stonehedge, was present on behalf of a committee of Two Creeks Association. He stated their primary concern is flooding of Slickaway Branch. He added Parkside's Design meets stormwater design standards but lesser storms may not be addressed by that design. He stated they felt it was smaller than a ten year, one hour storm. He asked if Parkside could design for smaller ten year storm events and can it be required. Mr. Edwin Logan stated if there is sufficient evidence that the standards will not work they can. He stated it would have to depend on if there was proof that the 10 year didn't work. Mr. Amato asked if Parkside would be willing to design to address their concerns of smaller storms. Mr. Jones stated they exceeded the ten year, one hour storm by 20%; they exceeded the 10 year storm by 35% and the 100 year storm requirements by 47%. Mr. Jones stated he felt they have built in a cushion to exceed the one hour rain event and he has a problem agreeing with the unknown.

Mr. Amato stated they were concerned about the release rate and that Eric Brooker, Public Works Department stated the storm data is outdated.

Mr. John Parrish, 937 Hanly Lane, was present on behalf of Hanly Lane/Deerwood Neighborhood Association. He was concerned about access to Hanly

Lane and that someone may waive access to Hanly Lane. He added it was not suitable for heavy traffic or construction traffic and was concerned that it could be done administratively. He added they had no concerns so far but would if they wanted to access Hanly Lane.

Mr. Gary Muller, City Planning Director, was present and stated he recommended approval with conditions. Mr. Muller stated the Preliminary Subdivision Plat was before them tonight. He stated at the Development Plan Stage for the commercial tract there is public comment available after TRT they can have five days to request it go before the Commission.

Mr. Muller stated if future access was to be requested by the applicant for access to Hanly Lane he would consider it a major change and send it before the Commission. Mr. Muller stated he did have a change to the staff report on page five and added that on #7 the first two bullets were reversed. Mr. Amato stated he would like to see the city and county do a study of the Slickaway Branch. Mr. Jones stated they were under consent agreement with EPA and the Sewer Department is planning new service pump station for Two Creeks.

A motion was made by Mr. Garnett to approve the request with the following conditions:

- 1 the effectiveness of this approval shall commence when all agency comments relating to the preliminary plat and identified within this report have been satisfied, or as modified or withdrawn and shall be in writing by the respective review agency and provided in writing to the Planning Staff.
- 2 construction plans may be reviewed by the TRT, however, no approvals shall be granted until the preliminary subdivision plat becomes effective.
- 3 the internal intersection of Jett Boulevard and John David Drive shall be required to have a traffic light installed at the sole cost of the owner/developer upon the request both by City Public Works Department and upon 75% or greater build out of the commercial parcels – whichever comes first..
- 4 all identified roads shall be constructed – less top coat – (with the exception of the 141 feet extension of Allen Way across Parcel F) prior to the issuance of any certificate of occupancy for any of the lots or parcels within this preliminary subdivision plat. However, Allen Way and Canty Way shall be bonded but do not have to be constructed past the applicant's property boundary, for the issuance of a certificate of occupancy for up to 100,000 square feet of commercial and if no residential units have been constructed. Additionally, certificates of occupancy may be issued for the commercial parcels prior to completion of the residential streets.
- 5 Any development plan required to be filed within the identified 14 commercial parcels shall require the review and approval by the Planning Commission when such



development exceeds 40,000 square feet or when deemed necessary by the Planning Commission staff.

- 6 Any deviations to the identified uses or square footage us uses identified within the traffic report shall require the submittal and review of an amended traffic report and analysis, prior to an approval of a development plan that indicates the deviations(s).
- 7 The Record Plat associated with this preliminary subdivision plat shall require the review and approval of the Planning Commission Chairperson - who may require the review of the Record Plat by the full Planning Commission.

The motion was seconded by Mr. Stewart and carried unanimously.

The final item of new business was a request from Dreyer and Goedecke, Inc., represented by Mr. Richard Hayes, is requesting approval of a zone map amendment from Industrial General (IG) to Planned Commercial (PC) for a 5.6 acre parcel of land located at 770 Wilkinson Boulevard, Frankfort, KY. More specifically described as PVA map #061-00-00-099.00.

The Secretary stated this was a called public hearing under the authority of KRS 100.231, paragraph 1, to consider a zone map amendment as requested by Dreyer and Goedecke Inc.

The Commission is conducting an evidentiary hearing as there will be the taking of sworn testimony, findings of fact based upon substantial evidence and the conclusions supported by those findings.

The secretary swore in all wishing to speak regarding this matter.

Mr. Charlie Jones, Attorney, was present on behalf of the applicant and stated they were in agreement with the staff report.

Mr. Gary Muller, City Planning Director, was present and stated he had a VITA on file. Mr. Muller stated there were no changes to the staff report. Mr. Logan requested the staff report be entered into the record in lieu of additional testimony.

There was no one present to speak in favor or in opposition to the request.

A motion was made by Mr. Garnett to close the public hearing. The motion was seconded by Ms. Metcalf and carried unanimously.

A motion was made by Mr. Garnett and seconded by Ms. Metcalf to adopt the staff report as the summary. The motion carried unanimously.

A motion was made by Mr. Garnett and seconded by Mr. Booe to adopt staff finds 1 through 7 as findings of fact. The motion carried unanimously.

A motion was made by Mr. Garnett that the request is in compliance with the Comprehensive Plan and based on the adopted findings the Planning Commission recommend to the City Commission that this request be approved. The motion was seconded by Ms. Cross and carried unanimously.

A motion was made by Ms. Metcalf to adjourn. The motion was seconded by Ms. Cross and carried unanimously.

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Chairman Dwayne Cook

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Recording Secretary  
Dianna Rogers